

**BRYAN CITY COUNCIL
MINUTES OF SPECIAL MEETING
AUGUST 17, 2004**

A special meeting of the Bryan City Council was held on Tuesday, August 17, 2004, in the Council Chambers of the Bryan Municipal Building. A notice of said meeting was posted at least 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Ernie Wentrcek and Councilmembers Paul Madison, Mark Conlee, Ben Hardeman and Russell Bradley were present. Councilmembers Joe Marín and Boyd Sheffield were absent. City Manager Mary Kaye Moore was also in attendance.

1. CALL TO ORDER

Mayor Wentrcek called the meeting to order at 12:02 p.m.

2. FIRST READING OF AN ORDINANCE – ANNEXATION OF BRAZOS COUNTY EXPO CENTER

Councilmember Bradley made a motion to approve the first reading of an ordinance of the City of Bryan, Texas, providing for the annexation of certain territory lying adjacent to and contiguous to the present city limits of the City of Bryan and consisting of 91.56 acres of land located in the T.J. Wooten Survey, Abstract 59, Brazos County, Texas, and being a part of the 159 acre tract described in the Notice of Lis Pendens, Brazos County, Texas, vs. Dorothy Marie Sramek Bienski and Leon Bienski, recorded in Volume 4373, Page 17 of the Deed of Records of Brazos County, Texas; and establishing original zoning. The motion was seconded by Councilmember Madison and carried with all present voting aye.

3. ADJOURN

Without objection, the meeting was adjourned at 12:06 p.m.

City Secretary Mary Lynne Stratta

Mayor Ernie Wentrcek

**BRYAN CITY COUNCIL
MINUTES OF WORKSHOP MEETING
AUGUST 24, 2004**

A workshop meeting of the Bryan City Council was held in the Council Chambers of the Bryan Municipal Building on Tuesday, August 24, 2004, a notice of said meeting having been posted at least 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Ernie Wentrcek and Councilmembers Joe Marín, Paul Madison, Boyd Sheffield, Mark Conlee, Ben Hardeman and Russell Bradley were present. Also present were City Manager Mary Kaye Moore, City Attorney Michael Cosentino and City Secretary Mary Lynne Stratta.

1. CALL TO ORDER

Mayor Wentrcek called the workshop meeting to order at 3:00 p.m.

2. PRESENTATION BY THE RESEARCH VALLEY PARTNERSHIP (TRVP) REGARDING RATE OF RETURN

Economic Development Coordinator Kevin Walker reported that Bryan and College Station had been working for several months to establish a rate of return for economic development investments. He introduced Mr. Jerry Walker, Impact Data Source, who had developed a model that is used in The Research Valley Partnership's analysis of economic development prospects. He calculated an average annual rate of return on investment in 43 firms and TRVP. He reported that over an eight-year period, the City of Bryan received a net benefit of \$3.9 million, and that Bryan, College Station and Brazos County invested \$4.3 million for TRVP operating costs, cash of \$4.3 million, free land of \$4.5 million, and approximately \$750,000 in tax abatement, for a total investment of \$13.8 million. He indicated the overall annual rate of return for the three entities was 26 percent (City of Bryan's annual rate of return - 20 percent, College Station annual rate of return - 24%, and Brazos County rate of return - 41 percent). He answered questions for Council.

3. PRESENTATION BY BRYAN WOOD, TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT), REGARDING TxDOT PLANNED PROJECTS

Mr. Bryan Wood, Texas Department of Transportation District Engineer, explained the TxDot project development and selection processes. He stated that the time frame from inception of a project to completion ranges from six to eight years. He listed TxDot funding sources and challenges. He reviewed ongoing and future Bryan projects: SH 21 underpass, FM 158, SH 21 widening from Coulter Airfield to Kurten, SH 21 grade separation at Texas Avenue, SH 21 at Tabor Road turn lanes, West Villa Maria/Finfeather railroad grade separation, Bryan Visitor Center, Briarcrest/Villa Maria intelligent transportation system, Hensel Park entrance signage, SH 21 Business 6 to Texas 6 medians, Briarcrest SH 6 to Texas Avenue medians, Villa Maria to Green, and East University Drive widening (not currently funded or within ten-year planning window). He answered questions for Council.

4. DISCUSSION REGARDING FISCAL YEAR 2005 BUDGET WRAP-UP

Chief Finance Officer Kathy Davidson presented wrap-up information regarding the 2005 fiscal year City budget. She reviewed the Tax Increment Reinvestment Zone 10 fund budget and the revised

transportation fund budget with projected lower revenue figures because of limited billing capabilities. She stated an interim transportation/drainage fee of \$10 for residential and \$35 for commercial, based on solid waste billings, would be implemented. She stated staff hoped to implement the graduated commercial fee structure in April 2005. Ms. Davidson discussed the split in the tax rate between debt service and general fund. She stated that BTU had budgeted a lower general fund transfer and that a variance of \$665,000 between the City's budget and the BTU budget would have to be addressed. She stated that BTU also wanted to double the amount currently being charged for water/wastewater billing. She stated additional water/wastewater fee increases would be needed to pay for the increased cost of billing. She stated if BTU's figures were approved, by fiscal year 2009, there would be a \$4 million shortfall in the City budget. She reported that the City Audit Committee would be discussing this at an upcoming meeting. A request from Bryan ISD for up to \$10,000 in funding for a joint Channel 16 production facility was mentioned. Council agreed to discuss this item at the next workshop meeting.

5. DISCUSSION REGARDING CONSENT/STATUTORY AGENDA ITEMS FOR REGULAR MEETING OF AUGUST 24, 2004

Council briefly discussed agenda items 7 d, 7 e and 8 a of the consent/statutory agenda for the regular meeting of August 24. No action was taken regarding the items discussed.

6. ADJOURN

Without objection, the meeting was adjourned at 4:35 p.m.

City Secretary Mary Lynne Stratta

Mayor Ernie Wentreck

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
AUGUST 24, 2004**

A regular meeting of the Bryan City Council was held on Tuesday, August 24, 2004, in the Council Chambers of the Bryan Municipal Building, a notice of said meeting having been posted at least 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Ernie Wentrcek and Councilmembers Joe Marín, Paul Madison, Boyd Sheffield, Mark Conlee, Ben Hardeman and Russell Bradley were present. Also present were City Manager Mary Kaye Moore, City Attorney Michael Cosentino and City Secretary Mary Lynne Stratta.

1. CALL TO ORDER

Mayor Wentrcek called the meeting to order at 4:42 p.m.

2. EXECUTIVE SESSION

Mayor Wentrcek called the meeting into executive session at 4:44 p.m. under the provisions of Section 551, Texas Government Code, to discuss under the authority of Section 551.071, consultation with attorney - seek advice of legal counsel regarding the performance of contractual obligations for the Traditions project and pending litigation related thereto; under the authority of Section 551.074, personnel matters - receive and discuss report from Council appointees and consultant regarding personnel matters, discussion regarding process for evaluations and to begin evaluations of Council appointees, discussion of appointment of individual to the Historic Landmark Commission, and discuss appointment of individuals to the Bryan Texas Utilities (BTU) Board of Directors.

3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION

Mayor Wentrcek called the meeting into open session at 6:00 p.m. Councilmember Bradley moved to appoint Christopher Mendel to a vacancy on the Historic Landmark Commission. The motion was seconded by Councilmember Marín and carried unanimously. Councilmember Madison moved to reappoint Richard Alexander, William Atkinson and Frank Thurmond to the BTU Board of Directors. The motion was seconded by Councilmember Marín and carried unanimously.

4. INVOCATION AND PLEDGE OF ALLEGIANCE LED BY BOY SCOUT TROOP 159

Pastor Rodney McGothlin, First Baptist Church of College Station, gave the invocation and Boy Scout Troop 159 led the pledges of allegiance to the U.S. and Texas flags.

5. PROCLAMATIONS AND PRESENTATIONS

Council recognized the Harvey Little League major girls' softball team for their excellent season and trip to the Little League regional tournament

6. HEAR CITIZENS

Ms. Carol Holtzapple, Brazos Valley Children's Museum, asked for \$50,000 in funding from the City. Dr. Leslie Schueckler, Sister Cities Association, asked for funding from the City in the amount

of \$4,500 and that this funding be placed as a line item in the City's annual budget. Ms. Karen Hall, 6111 East SH 21, stated that sewer and water services had not been extended to the annexed area along SH 21 East. She expressed disappointment that the Council had not taken action to disannex the area as requested in the petition she filed with the City, but was requiring her to take the issue to court. Mr. Marshal L. Wortham, Sr., 903 West 21st Street, expressed concern about treatment of minorities by certain City departments. Mr. Don Cumbie, Brazos Valley Dispute Resolution Center, asked the Council for \$10,000 in funding for the 2005 fiscal year. Mr. J. N. Williams, Brazos Valley Symphony Society, spoke in favor of funding for a ballet performance for local children. Mr. Clyde Garland, 3100 Rolling Glen, opined that it was unfair that the City was "forcing" Ms. Hall to have to pay with her own money for court proceedings to disannex an area previously annexed into the City.

7. CONSENT (AUTOMATIC APPROVAL) AGENDA

Councilmember Bradley made a motion with a second by Councilmember Marín to approve the consent agenda. The motion carried unanimously.

a. Approval of Minutes - Workshop and Regular meetings of August 10, 2004.

b. Consideration – Special Warranty Deed – Imperial Homes

Consider authorizing the Mayor to execute a special warranty deed for the sale of a City of Bryan Community Development owned lot located at 1208 Ridgedale to David Contreras, d.b.a. Imperial Homes, for the sum of \$3,000. The sale of the property will be for the construction of a home to be sold to a person(s) qualified as low-to-moderate income, according to guidelines set by the Department of Housing and Urban Development (HUD) and as administered by Community Development Services for the City of Bryan, Texas.

c. Consideration – Purchase of Multi-Terrain Loader

Consider approving the purchase of one multi-terrain loader for the total purchase price of \$40,774 through the Texas Local Government Purchasing Cooperative. Source of Funds: Drainage Utility Fund.

d. Consideration – Purchase of Vacuum Sewer Cleaning Unit for Water Services

Consider approving the purchase of one vacuum sewer cleaning unit and one cab/chassis for the total purchase price of \$231,993 through the Houston-Galveston Council of Governments Cooperative Purchasing Program (H-GAC). Source of Funds: Wastewater Enterprise Fund – Machinery and Equipment/Motor Vehicles.

e. Consideration – Purchase of Vacuum Sewer Cleaning Unit for Transportation Department

Consider approving the purchase of one vacuum sewer cleaning unit and one cab/chassis for the total purchase price of \$198,845 through the Houston-Galveston Council of Governments Cooperative Purchasing Program (H-GAC). Source of Funds: Transportation Department – Machinery/Equipment/Motor Vehicles Machinery and Equipment/Heavy Moveable Equipment.

f. Consideration – Annual Contract for Plant Operations Lawn Maintenance Services

Consider approving the first extension of an existing contract for plant operations lawn

maintenance services with Paterson's Landscaping of College Station, Texas, in the amount of \$47,750. Source of Funds: Wastewater Enterprise Funds/Miscellaneous Charges/Contract Labor.

g. Consideration – Annual Contract for Parks Landscape Management Services – Group 1: Schedule A Sites and Group 2: Schedule B Sites

Consider approving a second extension of an existing annual contract for Parks Landscape Management Services Group 1: Schedule A Sites and Group 2: Schedule B Sites with The Greenery of Bryan, Texas, in the amounts of \$42,000 and \$486,777, respectively. Source of Funds: Parks and Recreation Miscellaneous Charges/Contractual Maintenance.

h. Consideration – Annual Contract for Parks Landscape Management Services – Group 3: Schedule B Sites

Consider approving a second extension of an existing annual contract for Parks Landscape Management Services – Group 3: Schedule B Sites with Paterson's Landscaping of College Station, Texas, in the amount of \$130,230. Source of Funds: Parks and Recreation Miscellaneous Charges/Contractual Maintenance.

i. Consideration – Annual Contract for Mowing and Lot Clearing

Consider approving a second extension of an existing annual contract for mowing and lot clearing with Sager Mowing of Bryan, Texas, in the amount of \$75,000. Source of Funds: Parks and Recreation Miscellaneous Charges/Building Demolition.

j. Consideration – Annual Contract for Rental of Specialized Equipment for Public Works

Consider award of an extension to an existing annual contract for rental of specialized equipment for Public Works with Underground, Inc., of Pearland, Texas, in the amount of \$52,000. Source of Funds: Water Distribution and Wastewater Collection Enterprise Funds.

k. Consideration – Bank Depository Agreement

Consider approval of extension of the Bank Depository Agreement, under the same prices, terms, conditions and provisions as those contained in the original contract with First American Bank SSB, on a month by month basis beginning September 3, 2004, and ending at such time as the City can reasonably be expected to enter into a new depository agreement and perform the administrative tasks necessary to accommodate a change in banking institutions. Source of Funds: General Fund Fiscal Services and BTU Administrative Operating Fund Budgets.

l. Resolution – Tobacco Enforcement Grant Acceptance Agreement

Adoption of Resolution No. 2948 authorizing the Chief of Police to execute a "Tobacco Grant Acceptance Agreement and Compliance Standards" reflecting the City's acceptance of a \$5,000 grant from the Texas Comptroller of Public Accounts; authorizing City staff to submit annual and/or status reports as necessary and other reporting documents to Statewide Tobacco Education and Prevention to comply with the grant terms. Source of Funds: No match required.

m. Resolution – Local Law Enforcement Block Grant

Adoption of Resolution No. 2949 of the City Council of the City of Bryan, Texas, authorizing the

Mayor to execute a Local Law Enforcement Block Grant application reflecting the City's acceptance of a \$25,158 grant from the Bureau of Justice Assistance, United States Department of Justice; providing that City funds be allocated in the amount of \$2,795; authorizing City staff to submit annual and/or status reports as necessary and other reporting documents to the Bureau of Justice Assistance to comply with the grant terms.

8. STATUTORY AGENDA

Councilmember Madison made a motion to approve the statutory agenda. The motion was seconded by Councilmember Marín and carried with all present voting aye.

a. Consideration – Change Order Number Three – Martin Luther King Street Overlay and Sewer Improvements Project

Consider approving change order number three with Brazos Valley Services in the amount of \$140,604.30 for the Martin Luther King Street Overlay and Sewer Improvements Project. Source of Funds: 2003 Certificates of Obligation – Fund 362 (\$42,250), 2001 Sewer Revenue Bonds – Fund 561 (\$42,153.80) and 2001 Water Revenue Bonds – Fund 562 (\$56,200.50).

b. First Reading of an Ordinance – Fiscal Year 2004 Budget Amendment

First reading of an ordinance of the City of Bryan, Texas, amending Ordinance No. 1436; which was subsequently amended, increasing budget appropriations for Fiscal Year 2004 from \$208,194,996 to \$208,916,484.

9. REGULAR AGENDA

a. Consideration – Fiscal Year 2005 External Funding Requests

Community Development Project Coordinator Alsie Bond asked that the Council approve Fiscal Year 2005 external funding requests (from the Council Contingency Fund) as recommended by the Bryan members of the Joint Relief Funding Review Committee, as follows: The Children's Museum, Discovery Programs – \$12,000; Bryan Independent School District, Project Graduation – \$1,500; Alzheimer's Association Houston and Southeast Houston Chapter, Brazos Valley Expanded Outreach – \$7,500; Brazos Valley Symphony Society, Nutcracker Ballet – \$10,000; Dispute Resolution Center, Central Brazos Valley, Inc., Mediation Services – \$5,000; Bryan-College Station Sister Cities Association, Sister Cities Youth and Adult Exchange Program – \$0. She reviewed the process followed by the subcommittee in reaching the funding recommendations and introduced the subcommittee members.

Councilmember Madison made a motion with a second by Councilmember Marín to approve the funding requests as recommended by the subcommittee: The Children's Museum, Discovery Programs – \$12,000; Bryan Independent School District, Project Graduation – \$1,500; Alzheimer's Association Houston and Southeast Houston Chapter, Brazos Valley Expanded Outreach – \$7,500; Brazos Valley Symphony Society, Nutcracker Ballet – \$10,000; Dispute Resolution Center, Central Brazos Valley, Inc., Mediation Services – \$5,000; Bryan-College Station Sister Cities Association, Sister Cities Youth and Adult Exchange Program – \$0. Councilmember Bradley made a motion to amend by striking \$5,000 in funding for the Dispute Resolution Center and inserting \$10,000. The motion was seconded by Councilmember Hardeman. Councilmember Hardeman made a motion to amend the amendment by striking \$0 in funding for the Sister Cities Association and inserting \$4,500. The motion was seconded by

Councilmember Bradley. The secondary amendment carried by a vote of four yeses (Mayor Wentrcek and Councilmembers Conlee, Hardeman and Bradley) and three noes (Councilmembers Marín, Madison and Sheffield). The primary amendment carried by a vote of five yeses (Mayor Wentrcek and Councilmembers Madison, Conlee, Hardeman and Bradley) and two noes (Councilmembers Marín and Sheffield).

Councilmember Sheffield then moved to amend the main motion by striking \$1,500 in funding for Project Graduation and inserting \$3,000. The motion was seconded by Councilmember Madison. After discussion, Councilmember Madison moved the previous question. The motion was seconded by Councilmember Sheffield and carried with five yeses (Mayor Wentrcek and Councilmembers Madison, Sheffield, Hardeman and Bradley) and two noes (Councilmembers Marín and Conlee). The motion to amend carried with five yeses (Mayor Wentrcek and Councilmembers Madison, Sheffield, Hardeman and Bradley) and two noes (Councilmembers Marín and Conlee). The main motion, as amended, carried by a vote of five yeses (Mayor Wentrcek and Councilmembers Madison, Sheffield, Hardeman and Bradley) and two noes (Councilmembers Marín and Conlee).

b. Consideration – Traditions Development Sidewalk Improvements Contract

Councilmember Bradley moved to authorize the Mayor to sign a contract for the Traditions Development Sidewalk Improvements with Fuqua Construction Company of Navasota, Texas, in an amount not to exceed \$653,221.45, subject to the submittal of required bonds and insurance for the construction of approximately 9,110 linear feet of sidewalk improvements along Traditions Boulevard, North Traditions Drive, South Traditions Drive and Club Drive (Source of Funds: Certificates of Obligation Series 2000A). The motion was seconded by Councilmember Hardeman. Staff member David Storrie stated it was part of the original Traditions agreements that the City would be responsible for the sidewalks. After discussion, the motion carried with six yeses and one no (Councilmember Sheffield).

10. COUNCIL COMMITTEE REPORTS

Councilmember Bradley reported on a recent meeting of the Intergovernmental Committee.

11. CITY MANAGER'S REPORT AND COUNCIL CONCERNS

Councilmembers mentioned that the City of Bryan was very innovative and a leader in many areas of municipal service. Councilmembers thanked citizens for volunteering their time to serve on City committees and boards, with special mention of the members of the Bryan Business Council. Troops from the Army National Guard were wished a safe return from Iraq.

12. ADJOURN

Without objection, the meeting was adjourned at 7:24 p.m.

City Secretary Mary Lynne Stratta

Mayor Ernie Wentrcek